

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

D.C., a minor by and through his
Guardian Ad Litem, HELEN GARTER,
on behalf of himself and all others
similarly situated,

Plaintiff,

v.

COUNTY OF SAN DIEGO, A.B. AND
JESSIE POLINSKY CHILDREN'S
CENTER, SAN DIEGO COUNTY
HEALTH AND HUMAN SERVICES
AGENCY,

Defendants.

Case No.: 15cv1868-MMA (NLS)

**SCHEDULING ORDER
REGULATING DISCOVERY
AND OTHER PRE-TRIAL
PROCEEDINGS**

Pursuant to Rule 16.1(d) of the Local Rules, a Case Management Conference was held on October 28, 2020. After consulting with the attorneys of record for the parties and being advised of the status of the case, and good cause appearing, **IT IS HEREBY ORDERED:**

1. Plaintiff's motion to amend the pleadings must be filed by November 11, 2020. Defendants must file an opposition by November 25, 2020.
2. All fact discovery must be completed by all parties by February 26, 2021.

1 “Completed” means that all discovery under Rules 30-36 of the Federal Rules of Civil
2 Procedure, and discovery subpoenas under Rule 45, must be initiated a sufficient period
3 of time in advance of the cut-off date, **so that it may be completed** by the cut-off date,
4 taking into account the times for service, notice and response as set forth in the Federal
5 Rules of Civil Procedure. **Counsel must promptly and in good faith meet and confer**
6 **with regard to all discovery disputes in compliance with Local Rule 26.1(a).** The
7 Court expects counsel to make every effort to resolve all disputes without court
8 intervention through the meet and confer process. If the parties reach an impasse on any
9 discovery issue, counsel must file an appropriate motion within the time limit and
10 procedures outlined in the undersigned magistrate judge’s chambers rules. **A failure to**
11 **comply in this regard will result in a waiver of a party’s discovery issue.** **Absent an**
12 **order of the court, no stipulation continuing or altering this requirement will be**
13 **recognized by the court.**

14 3. The parties must designate their respective experts in writing by **March 26,**
15 **2021.** The parties must identify any person who may be used at trial to present evidence
16 pursuant to Rules 702, 703 or 705 of the Fed. R. Evid. This requirement is not limited to
17 retained experts. The date for exchange of rebuttal experts must be by **April 21, 2021.**
18 The written designations must include the name, address and telephone number of the
19 expert and a reasonable summary of the testimony the expert is expected to provide. The
20 list must also include the normal rates the expert charges for deposition and trial
21 testimony.

22 4. By **March 26, 2021**, each party must comply with the disclosure provisions
23 in Rule 26(a)(2)(B) and (C) of the Federal Rules of Civil Procedure. This disclosure
24 requirement applies to all persons retained or specially employed to provide expert
25 testimony, or whose duties as an employee of the party regularly involve the giving of
26 expert testimony. **Except as provided in the paragraph below, any party that fails to**
27 **make these disclosures will not, absent substantial justification, be permitted to use**
28 **evidence or testimony not disclosed at any hearing or at the time of trial. In**

1 **addition, the Court may impose sanctions as permitted by Fed. R. Civ. P. 37(c).**

2 5. Any party must supplement its disclosure regarding contradictory or rebuttal
3 evidence under Fed. R. Civ. P. 26(a)(2)(D) by April 21, 2021.

4 6. All expert discovery must be completed by all parties by May 21, 2021.

5 The parties must comply with the same procedures set forth in the paragraph governing
6 fact discovery.

7 7. Failure to comply with this section or any other discovery order of the court
8 may result in the sanctions provided for in Fed. R. Civ. P. 37, including a prohibition on
9 the introduction of experts or other designated matters in evidence.

10 8. All dispositive pretrial motions, including motions for summary judgment
11 and motions addressing *Daubert* issues, must be filed by June 21, 2021.¹ Counsel for the
12 moving party must obtain a motion hearing date from Judge Anello's law clerk. The
13 period of time between the date you request a motion date and the hearing date may vary
14 from one district judge to another. Please plan accordingly. Failure to make a timely
15 request for a motion date may result in the motion not being heard.

16 9. If appropriate, following the filing of an order ruling on a motion for
17 summary judgment or other dispositive pretrial motion, or in the event no such motion is
18 filed, after the expiration of the deadline set forth in paragraph 8, supra, Judge Anello will
19 issue a pretrial scheduling order setting a pretrial conference, trial date, and all related
20 pretrial deadlines. The parties must review and be familiar with Judge Anello's Civil
21 Chambers Rules, which provide additional information regarding pretrial scheduling.

22 10. A Mandatory Settlement Conference will be conducted on July 21, 2021 at
23 1:30 p.m. in the chambers of Magistrate Judge Nita L. Stormes. Counsel or any party
24 representing himself or herself must submit confidential settlement briefs directly to the
25 magistrate judge's chambers by July 14, 2021. All parties are ordered to read and fully

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¹ This deadline is not applicable to pretrial motions *in limine*. For further information regarding motions
in limine, please refer to Judge Anello's Civil Chambers Rules.

1 comply with the Chambers Rules of the assigned Magistrate Judge.

2 11. A post trial settlement conference before a magistrate judge may be held
3 within 30 days of verdict in the case.

4 12. The dates and times set forth herein will not be modified except for good
5 cause shown.

6 13. Briefs or memoranda in support of or in opposition to any pending motion
7 must not exceed twenty-five (25) pages in length without leave of a district court judge.
8 No reply memorandum will exceed ten (10) pages without leave of a district court judge.
9 Briefs and memoranda exceeding ten (10) pages in length must have a table of contents
10 and a table of authorities cited.

11 14. Plaintiff's counsel must serve a copy of this order on all parties that enter
12 this case hereafter.

13 **IT IS SO ORDERED.**

14 Dated: October 28, 2020



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16 Hon. Nita L. Stormes
17 United States Magistrate Judge

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